

MAY - 1 2008

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5379
CAC-Florida Medical Centers, LLC)
(f/k/a CarePlus Medical Centers, Inc.))
CarePlus Health Plans, Inc.)
Miguel B. Fernandez)
Heriberto Valdes)

GENERAL COUNSEL'S REPORT # 4

I. ACTIONS RECOMMENDED

(1) Accept the attached conciliation agreement with CAC-Florida Medical Centers, LLC (f/k/a CarePlus Medical Centers, Inc.) and CarePlus Health Plans, Inc.; (2) accept the attached conciliation agreement with Heriberto Valdes; (3) take no further action as to Miguel B. Fernandez; and (4) close the file.

II. BACKGROUND

The Federal Election Commission ("Commission") previously found reason to believe that CarePlus Medical Centers, Inc. ("CPMC"), CarePlus Health Plans, Inc. ("CPHP"), Miguel B. Fernandez, and Heriberto Valdes violated 2 U.S.C. § 441b(a) by facilitating the making of contributions to the Alex Penelas US Senate Campaign and Carlos M. Trueba, in his official capacity as treasurer ("Penelas Committee"), that CPHP and Mr. Fernandez also violated 2 U.S.C. § 441b(a) by making an expenditure of corporate funds in connection with a fundraiser held for the Penelas Committee, and also authorized an investigation. Based on the results of our investigation, the Commission determined to enter into pre-probable cause conciliation with CPMC, CPHP, and Mr. Fernandez, and also found probable cause to believe that Mr. Valdes violated 2 U.S.C. § 441b(a).

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3 **III. DISCUSSION**

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8 **Additionally, as discussed in further detail below, we now recommend that the**

9 **Commission accept the attached agreements, take no further action as to Mr. Fernandez, and**

10 **close the file as to all the Respondents.**

11 **A. CPMC, CPHP and Fernandez**

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Significantly, we uncovered no evidence to demonstrate that Mr. Fernandez's use of corporate resources in connection with his fundraiser for the Penelas Committee was knowing and willful. As discussed in General Counsel's Report # 3, there is also no evidence to show that Mr. Fernandez had any knowledge of Mr. Valdes' decision to send a coercive e-mail solicitation to CPMC employees. General Counsel's Report # 3 at 18-19.

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We therefore recommend that the Commission accept the attached conciliation agreement with CPMC and CPHP (Attachment 1) and that it take no further action as to Miguel B. Fernandez.

B. Heriberto Valdes

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Accordingly, we recommend that the Commission accept the attached signed

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conciliation agreement with Mr. Valdes and close the file as to all Respondents.


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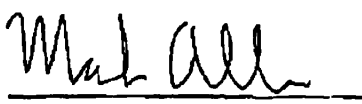
IV. RECOMMENDATIONS

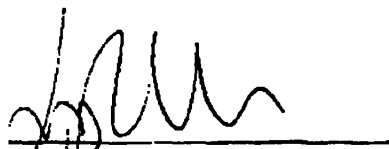
1. Accept the attached conciliation agreement with CAC-Florida Medical Centers, LLC (f/k/a CarePlus Medical Centers, Inc.) and CarePlus Health Plans, Inc.
2. Accept the attached conciliation agreement with Heriberto Valdes.
3. Take no further action as to Miguel B. Fernandez.
4. Close the file.
5. Approve the appropriate letters.

Thomasenia P. Duncan
General Counsel

4/30/08
Date

BY: 
Mark Shonkwiler
Acting Deputy Associate General Counsel for
Enforcement


Mark Allen
Acting Assistant General Counsel


Ana J. Peña-Wallace
Attorney

Attachments

- 1- Conciliation Agreement for CPMC and CPHP
- 2- Conciliation Agreement for Valdes

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